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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/506,434

02/18/2000

Ravi Acharya

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09/20/2005

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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/506,434

Applicant(s)

ACHARYA, RAVI

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 17, 21, 55-58, 64 and 65 is/are pending in the application.
- 4a) Of the above claim(s) 1, 4, 11, 13, 50-54, 59-63, 66 and 67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 17, 21, 55-58, 64 and 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 15, 17, 21, 55-58, 64 and 65 are pending. Claims 1, 4, 11, 13, 50-54, 59-63, 66, and 67 have been withdrawn in this communication filed 07/28/05 entered as Response to Election/Restriction.

Applicants' election of claims 15, 17, 21, 55-58, 64 and 65 in the reply filed on 07/28/05 is acknowledged. Because the Applicants' did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP 818.03 (a)).

2. The 35 USC 112 first paragraph rejection for claims 1, 4, 6, 10, 11, 13, 50-64, 60-63, 66 and 67 has been overcome by the withdrawal of claims 1, 4, 6, 10, 11, 13, 50-54, 60-63, 66 and 67 and is considered moot. The 35 USC 112 first paragraph rejection still remains for claims 15, 17, 21, 55-58, 64, and 65 as set forth here below.

3. The Objections to the Specification have been overcome by Applicants' amendment to the Specification and is hereby withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15, 17, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,819,236) Josephson in view of (US 5,933,816) Zeanah et al, hereafter Zeanah in view of (US 5,930,778) Geer.

As per claim 15, A computerized method for allowing a bank customer to deposit the value of conventional checks into a bank account from a location that is remotely situated with respect to a bank comprising: Josephson teaches, (a) receiving conventional checks payable to a bank customer payee (col. 8, lines 1-11); and entering transaction data into the customer terminal (col. 6, lines 61-65, col. 8, lines 6-11 and fig. 1 (130- a keyboard for entering transaction data)); and (e) receiving by the bank customer a result of the transaction for each check (col. 8, lines 34-40 and lines 49-57).

Josephson failed to teach, (d) processing the discrete value of each check for deposit by the automated banking system without physical receipt of the conventional check by the automated banking system. Geer teaches, (d) processing the discrete value of each check for deposit by the automated banking system without physical receipt of the conventional check by the automated banking system (col. 6, lines 40- col. 7, line 61 and col. 8, lines 1-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to process the discrete value of each check for deposit by the automated banking system without physical receipt of the conventional check by the automated banking system and to modify in Josephson because such a modification would allow Josephson to not have physical paper checks transported from the bank customer's location and to have the information from the checks extracted and converted into electronic form.

Josephson failed to teach, logging the bank customer payee onto an automated banking system from a customer terminal that is remotely situated with respect to a bank, and the automated banking system. Zeanah teaches, (b) logging the bank

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customer payee onto an automated banking system from a customer terminal that is remotely situated with respect to a bank, and the automated banking system (col. 20, lines 29-39). It would have been obvious to one having ordinary skill in the art at the time the invention was made to log the bank customer payee onto an automated banking system from a customer terminal that is remotely situated with respect to a bank and the automated banking system and to modify in Josephson because such a modification would allow Josephson to have a secure customer terminal for transacting business in an automated banking system.

As per claim 17, Josephson teaches, The method of claim 15 wherein the result of the transaction in step (e) comprises a provisional credit to the bank customer's account (col. 10, lines 17-25).

As per claim 55, this independent claim is rejected for the similar rationale as given above for claim 15.

6. Claims 21, 56- 58, 64, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,819,236) Josephson and (US 6,012,048) Gustin et al, Gustin and in view of (US (US 5,930,778) Geer.

As per claim 21, Josephson teaches, A computerized method for allowing a bank to process check deposit transactions that are initiated by a bank customer at a remote location comprising: (a) receiving a request from a bank customer on a terminal that is remotely situated from a bank for authorization to make a transaction using an automated banking system, wherein the terminal is remotely situated from the automated banking system (col. 4, lines 56-65 and col. 5, lines 26-63 and fig. 1).

Josephson failed to (b) authorizing a bank customer payee as a user on the automated banking system and (c) receiving transaction data related to the deposit of a conventional check payable to the bank customer, where the payor is someone other than the bank customer. Gustin teaches, authorizing a bank customer payee as a user on the automated banking system (fig. 8 (300, 308, & 310), fig. 8A, and 8B –shows authorizing a customer payee as a user of the automated banking system)); and (c) receiving transaction data related to the deposit of a conventional check payable to the bank customer, where the payor is someone other than the bank customer (col. 12, lines 3-47, col. 19, line 56 –col. 20, line 63, Fig. 13 E, Fig. 13 F, fig. 20, fig. 20A, Fig. 20B, fig. 20C, Fig., 20E, and Fig. 20F). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Josephson because such a modification would allow Josephson to have the payment accepted for each check for the amount of the face value (amount written on the face of the check). Josephson failed to teach, (d) processing the transaction for the discrete value of each check without physical receipt of the conventional check by the automated banking system. Geer teaches, (d) processing the discrete value of each check for deposit by the automated banking system without physical receipt of the conventional check by the automated banking system (col. 6, lines 40- col. 7, line 61 and col. 8, lines 1-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to process the discrete value of each check for deposit by the automated banking system without physical receipt of the conventional check by the automated banking system and to modify in Josephson because such a modification would allow

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Josephson to not have physical paper checks transported from the bank customer's location and to have the information from the checks extracted and converted into electronic form.

As per claim 56, Josephson failed to teach, The method of claim 55, wherein the customer terminal comprises a digital image scanner comprising optical recognition software capable of converting machine printed characters to electronic text. Geer teaches, wherein the customer terminal comprises a digital image scanner comprising optical recognition software capable of converting machine printed characters to electronic text (col. 7, lines 37-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the customer terminal comprise a digital image scanner comprising optical recognition software capable of converting machine printed characters to electronic text and to modify in Josephson because such a modification would allow Josephson to have the capability to have the data from the check scanned by an electronic scanner and sent through the banking system without depositing the check.

As per claim 57, Josephson teaches, The method of claim 56, wherein entering transaction data into the customer terminal comprises scanning the checks using the digital image scanner (col. 4, lines 3-23).

As per claim 58, Josephson teaches, The method of claim 55, wherein the result of the transaction in (e) comprises a provisional credit to the associated demand deposit account (col. 10, lines 17-25).

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As per claim 64, Josephson failed to teach, further comprising (f) optionally subsection each conventional check to one or more actions to prevent redeposit of the conventional check. Geer teaches, further comprising (f) optionally subsection each conventional check to one or more actions to prevent redeposit of the conventional check (col. 8, lines 22-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to optionally subsection each conventional check to one or more actions to prevent redeposit of the conventional check and to modify in Josephson because such a modification would allow Josephson to prevent duplicated deposits of the same check for reconciliation of the customer's bank account.

As per claim 65, Josephson failed to teach, wherein the one or more actions comprise marking each conventional check by human or machine readable ink, physical capture of each conventional check or combinations thereof. Geer teaches, wherein the one or more actions comprise marking each conventional check by human or machine readable ink, physical capture of each conventional check or combinations thereof (col. 7, lines 4-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the one or more actions comprise marking each conventional check by human or machine readable ink, physical capture of each conventional check or combinations thereof and to modify in Josephson because such a modification would allow Josephson to have the check scanned by a suitable reader with the amount of the check and date being optionally verified by a human operator and included in the electronic record to be associated with each check.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Campbell et al (US 5,373,550) disclosed the transmission of check images by a public switched telephone network.

Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert
Primary Patent Examiner
September 19, 2005